

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1192 /2015

1. Suresh Jain, S/o. Late Anupchand Jain, Aged About 58 Years,
2. Smt. Pushpa Jain, W/o. Suresh Jain, Aged About 54 Years,

Both are R/o. E-604, Palm Residency, Old Rajendra Nagar, P.S.
Civil Lines, Civil & Revenue Distt. Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through P.S. Civil Lines, Raipur, Distt.
Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate.

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. Apprehending arrest in connection with Crime No.568/2015 registered at Police Station- Civil Lines, Raipur, District Raipur (C.G.) for the offence punishable under Section 498-A of the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition Act, 1961, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the complainant Nisha Jain was married to the son of the applicants namely Ravindra Jain and thereafter she joined her matrimonial home at Hyderabad with her husband. Subsequently, she was subjected to torture for demand of dowry and thereafter the offence has been registered.
3. Learned counsel for the applicants submits that conciliation proceedings were drawn in the Mahila Thana, Raipur, wherein it is stated that no allegation of demand of dowry has been made

against this applicants and only because of other reasons since she do not want to stay alongwith her father-in-law and mother-in-law, a report was made and further it is also stated that all the belongings have been returned alongwith an amount of Rs.1,00,000/- to the complainant. He further submits that considering the evidence available against this applicants, they may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the documents of the conciliation proceeding as also the evidence collected by the prosecution, prima facie no allegation appears to have been made against this applicants; therefore, this is a fit case to extend the benefit of anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok